

ADAMS, J.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TONY ALEXANDER,	)	CASE NO. 1:06CV1664
	)	
Petitioner,	)	
	)	JUDGE JOHN R. ADAMS
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
MICHELE EBERLIN, Warden,	)	<u>AND ORDER RE: DISMISSING</u>
	)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.	)	<u>WRIT OF HABEAS CORPUS</u>
	)	[RESOLVING DOC. 15]

On July 11, 2006, petitioner *pro se* Tony Alexander filed what he deems to be a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 regarding his sentence for possession of drugs and preparation of drugs for sale. An Amendment (Doc. 5) was filed on July 25, 2006.<sup>1</sup>

On September 19, 2006, the case was referred to Magistrate Judge James S. Gallas for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 7).

On January 5, 2007, the petitioner filed a Motion to Dismiss (Doc. 15) respondent's Answer / Return of Writ.

On August 9, 2007, the Magistrate Judge submitted a Report and Recommendation (Doc. 19) recommending: (1) that the petition be dismissed without prejudice due to the failure to exhaust state remedies and for failure to raise a cognizable federal constitutional claim; and, (2) that the motion to dismiss be denied.

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<sup>1</sup>Alexander complains in a related petition, *inter alia*, that counsel failed to keep him informed about the state proceedings and took actions which Alexander had not authorized. *See Alexander v. Eberlin*, Case No. 1:06CV2181 (N.D. Ohio Sept. 11, 2006).

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Tony Alexander's Petition for a Writ of Habeas Corpus, as amended, will be dismissed without prejudice. Petitioner's Motion to Dismiss (Doc. 15) is DENIED.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 28, 2007  
Date

/s/ John R. Adams  
John R. Adams  
U.S. District Judge